IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

MONDAY, THE 12TH NOVEMBER 2007 / 21ST KARTHIKA 1929

WP(C).No. 29665 of 2007(F)

PETITIONER:

D. VISWANANTHAN NAIR
DRIVEER GRADE-11 (RTD), PEROORKADA DEPOT,
RESIDING AT VINOD BHAVAN, IRAPPAKUZHI,
KODAPPANAKUNNU P.O,THIRUVANANTHAPURAM.

BY ADV. SRI.MURALI PURUSHOTHAMAN

RESPONDENTS:

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1. KERALA STATE ROAD TRANSPORT CORPORATION
REPRESENTED BY ITS MANANGING DIRECTOR
TRANSPORT BHAVAN, THIRUVANANTHAPURAM.

2. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT
DEPARTMENT OF TRANSPORT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM.

BY SRI. JOHNSON P. JOHN FOR R1 AND R2

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J

W.P.(C). 29665/2007

Dated this the 12th day of November, 2007

JUDGMENT

The petitioner, who had worked as a Reserve Driver in KSRTC on provisional basis from 1980 till 1989, was regularised as per Ext.P3. It is the allegation of the petitioner that he is entitled to the pensionery benefits by counting the provisional service rendered by him along with regular service. Alternatively, he also claims that he is entitled to ex-gratia pension in terms of Ext.P12 order of KSRTC. However, the KSRTC is prepared to take a decision on any claim for ex-gratia pension, but states that the petitioner's application is not yet received.

2. In the above circumstances, without expressing anything on merits, this writ petition is disposed of directing that if the petitioner's application for ex-gratia pension in terms of Ext.P12 is received, the same shall be taken up, considered and disposed of in accordance with law within a period of three months from the date of

receipt of a copy of this judgment, or such representation whichever is later. All other questions are left open.

THOTTATHIL B. RADHAKRISHNAN
Judge

mrcs